

**CALL TO ORDER**

Mayor Mazza opened the meeting at 7:00 p.m.

“Sunshine Law” Announcement: Adequate notice of this public meeting has been provided by the Annual Notice; faxed to the Hunterdon Democrat and Courier News; posted on the public bulletin board and on file in the Municipal Clerk’s Office.

**FLAG SALUTE**

**ROLL CALL** - Present: Rob Haynes came in at 7:40 PM, Matt Severino, Patricia Dziubek and Frank Mazza. J. Peter Jost, Esq., Township Attorney; John Reymann, P.E., Township Engineer and Ella Malecki Ruta, Township Clerk, were also present. Absent: Mrs. Nargi

**APPROVAL OF MINUTES** – none at this time

**REPORTS RECEIVED**

a. Building Dept. – 4/16/07-4/20/07 & 4/23/07-4/27/07

At about 7:10 PM the following resolution was introduced for adoption:

**RESOLUTION #2007-71  
EXECUTIVE SESSION**

**WHEREAS**, N.J.S.A. 10:4-12 allows for a public body to go into closed session during a public meeting; and

**WHEREAS**, the Union Township Committee has deemed it necessary to go into closed session to discuss certain matters which are exempted from the public;

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Union will go into closed session for the following reason(s) as outlined in N.J.S.A. 10:4-12: Litigation.

Motion was made by Mr. Severino, seconded by Mrs. Dziubek, to adopt the above resolution. Vote – Ayes; Mr. Haynes, Mr. Severino, Mrs. Dziubek and Mr. Mazza. Motion carried.

At approximately 7:30 motion was made by Mrs. Dziubek, seconded by Mr. Severino, to return to the regular meeting. Motion carried by unanimous favorable roll call vote.

**OLD BUSINESS**

**a. Discussion – Ferreira Construction Co.; Former Pattenburg Quarry.**

John Reymann, Township Engineer stated that together with Environmental Commission Chairman Mr. Nargi, they went to visit the Pattenburg Quarry site. His concerns are wetlands on the property, soil erosion and the missing copy of the reclamation plan for the quarry. Mr. Moca, representative from Ferreira Construction assured everyone concerned that they are following all state and county regulation and obeying by township resolution. After a brief discussion a motion was made by Mrs. Dziubek, to permit Pattenburg Quarry Industries LLC to deposit approximately 6100 thousand cubic yards of soil reused material at the Pattenburg Quarry as part of their approved reclamation plan pending preparation of a revised updated resolution to be considered at the next Township Committee Meeting and as a further condition of the resolution they deposit \$2,000 in a escrow account for the Township to cover professional expenses for

**MINUTES OF REGULAR MEETING May 2, 2007**

review and inspections. Motion was seconded by Mr. Severino. Vote – Ayes; Mr. Haynes, Mr. Severino, Mrs. Dziubek and Mr. Mazza. Motion carried.

**CORRESPONDENCE**

- Patricia Dziubek mentioned the following: - notice of application to DEP by NJ Dept. of Corrections/Edna Mahan to divert 18 million gallons of water during any month from one existing and one new well in the Township of Union. Attorney Jost recommended asking township professional if there are reasons for concerns; - failure to obtain permits for a barn and a slaughter house at 38 Van Syckles Rd. Attorney Jost suggested discussing the issue in executive session; - notice of Public Hearing before Franklin Township Land Use Board on Shop Rite Application.
- Mayor Mazza mentioned the following: - letter from Kevin Richardson stating that the Township of Union will be getting approximately \$405,000 from open space trust fund for acquisition of the Milligan Farm; - reported on I-78 Corridor Transit Study meeting, various options were discussed and considered. Next meeting is scheduled for May 29, 2007.

**PUBLIC COMMENTS**

Daryll Conn, Township resident complained about the way Township Construction Dept. conducts its business. He explained his particular situation and his disappointment with no response from building department after six phone calls trying to schedule a pool inspection. Mr. Haynes explained that both the secretary and building official were out of the office that day. Mr. Conn stated that he did get his pool inspected that day after personally coming into the municipal office.

**PUBLIC HEARING – 2<sup>ND</sup> Reading****ORDINANCE #2007-3****AN ORDINANCE FIXING AND DETERMINING MUNICIPAL CLASS POSITION TITLES AND SALARY RANGES FOR CERTAIN OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF UNION, COUNTY OF HUNTERDON, NEW JERSEY**

Mrs. Dziubek motioned to open Public Hearing on Ordinance #2007-3, Mr. Haynes seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mrs. Dziubek and Mr. Mazza. Motion Carried.

Mayor Mazza asked for questions or comments from members of the general public, news media and Committee. As there were neither questions nor comments, Mrs. Dziubek motioned to close Public Hearing on a second by Mr. Haynes. Vote – Ayes: Mr. Haynes, Mr. Severino, Mrs. Nargi, Mrs. Dziubek and Mr. Mazza. Motion Carried.

Motion was made by Mrs. Dziubek, seconded by Mr. Severino to adopt Ord. #2007-3 on 2<sup>nd</sup> reading. Vote – Ayes: Mr. Haynes, Mr. Severino, Mrs. Dziubek and Mr. Mazza. Motion Carried.

**OLD BUSINESS**

- a. The following resolution was introduced for adoption:

**RESOLUTION #2007-72****UNION TOWNSHIP, HUNTERDON COUNTY  
2007 PROFESSIONAL SERVICE CONTRACT; KEY-TECH**

WHEREAS, the Township requires professional engineering services related to materials testing, soil analysis and related construction inspection in relation to development applications, planning and zoning

## MINUTES OF REGULAR MEETING May 2, 2007

matters it reviews in the Township as a non-fair and open contract pursuant to the provisions of N.J.S.A.19:44-A-20.5; and

WHEREAS, the maximum amount of the contract may exceed the threshold amount established pursuant to N.J.S.A.40A:11-3(b); and

WHEREAS, funds are available; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection;

WHEREAS, KEY-TECH has completed and submitted a Business Entity Disclosure Certification which certifies that KEY-TECH has not made any reportable contributions to a political or candidate committee in the Township of Union in the previous one year, and that the contract will prohibit KEY-TECH from making any reportable contributions through the term of the contract; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Union, Hunterdon County, New Jersey, as follows:

1. The Mayor and Township Clerk are hereby authorized and directed to execute the attached agreement with Key-Tech, for Professional Engineering Services related to testing and inspection in 2007.
2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with 40A:11-5(1) (a) of the Local Public Contracts Law.
3. Approval of the attached contract is subject to availability and appropriation of sufficient funds as may be required in the 2007 temporary and permanent Municipal budgets.
4. A Notice of this action shall be printed once in the official newspaper.

Motion was made by Mr. Haynes, seconded by Mrs. Dziubek to adopt above resolution. Vote – Ayes: Mr. Haynes, Mr. Severino, Mrs. Dziubek and Mr. Mazza. Motion Carried.

b. The following resolution was introduced for adoption:

**RESOLUTION #2007-73**  
**UNION TOWNSHIP, HUNTERDON COUNTY**  
**2007 Professional Services as Hydrogeologist and Geologist to represent Union Township Planning Board**  
**VINCENT W. UHL & ANTHONY J. RANA**

WHEREAS, the Township of Union has a need to acquire hydrogeologic services as a non-fair and open contract pursuant to the provisions of N.J.S.A.19:44-A-20.5; and

WHEREAS, the maximum amount of the contract may exceed the threshold amount established pursuant to N.J.S.A.40A:11-3(b); and

WHEREAS, funds are available; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection;

WHEREAS, UHL, BARON, RANA & ASSOC., INC. has completed and submitted a Business Entity Disclosure Certification which certifies that UHL, BARON, RANA & ASSOC., INC. has not made any reportable contributions to a political or candidate committee in the Township of Union in the previous one year, and that the contract will prohibit UHL, BARON, RANA & ASSOC., INC. from making any reportable contributions through the term of the contract; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Union, Hunterdon County, New Jersey, as follows:

5. The Mayor and Township Clerk are hereby authorized and directed to execute the attached agreement with Uhl, Baron, Rana & Associates Inc., (Vincent W. Uhl and Anthony J. Rana) for hydrogeologic consulting services for 2007.
6. This contract is awarded without competitive bidding as a "Professional Service" in accordance with 40A:11-5(1) (a) of the Local Public Contracts Law.
7. Approval of the attached contract is subject to availability and appropriation of sufficient funds as may be required in the 2007 temporary and permanent Municipal budgets.
8. A Notice of this action shall be printed once in the official newspaper.

Motion was made by Mr. Haynes, seconded by Mr. Severino to adopt above resolution. Vote – Ayes: Mr. Haynes, Mr. Severino, and Mr. Mazza. Vote – Nays: Mrs. Dziubek. Motion Carried.

#### **NEW BUSINESS**

- a. The following resolution was introduced for adoption

**RESOLUTION #2007-74**  
**The Arc of Hunterdon Foundation**  
**Raffle License #16 - overpayment refund**

WHEREAS, the Arc of Hunterdon Foundation submitted an Off-Premise Raffle License Application along with a check in the amount of \$320.00; and

WHEREAS, the Legalized Games of Chance Control Commission has reviewed the application and sent notification of the correct fee to be \$20.00; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Union, Hunterdon County, State of new Jersey to refund \$300.00 overpayment for the Raffle License #2007-16 to the Arc of Hunterdon Foundation.

Motion was made by Mrs. Dziubek, seconded by Mr. Severino to adopt the above resolution. Vote – Ayes: Mr. Haynes, Mr. Severino, Mrs. Dziubek and Mr. Mazza. Motion carried.

- b. The following resolution was introduced for adoption

**RESOLUTION 2007-75**  
**UNION TOWNSHIP; HUNTERDON COUNTY**  
**REFUND OF TAX SALE PREMIUM**

## MINUTES OF REGULAR MEETING May 2, 2007

WHEREAS, there exists a premium of taxes for the following tax sale certificate which was redeemed on May 8, 2007:

TAX SALE CERTIFI- CATE #	BLOCK	LOT	QUALI- FIER	NAME	AMOUNT
05-06	24	2	C1015	Windom's Gate, LP	\$3,100.00

\* To be refunded to American Tax Funding, LLC.

THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union, County of Hunterdon, State of New Jersey, that the refund of tax sale premium be returned to the above stated name, and that the Chief Finance Officer of the Township of Union is hereby authorized to issue a check in the stated amount.

Motion was made by Mrs. Dziubek, seconded by Mr. Severino to adopt the above resolution. Vote – Ayes: Mr. Haynes, Mr. Severino, Mrs. Dziubek and Mr. Mazza. Motion carried.

c. The following resolution was introduced for adoption

**RESOLUTION #2007-76  
UNION TOWNSHIP; HUNTERDON COUNTY  
2007 SALARY RESOLUTION**

**WHEREAS**, a salary ordinance has been adopted by the Township of Union, Township committee, indicating salary ranges; and

**WHEREAS**, the Township committee has determined the amount that each employee is to be paid for the year 2007 as follows:

Salaries are for a period of one year unless otherwise noted:

**ADMINISTRATIVE**

Mayor	\$ 4,800.00
Township Committee	4,500.00
Township Attorney	13,400.00
Township Clerk	48,000.00
Deputy Clerk	2,145.00
Registrar	624.00
Tax Collector	33,097.00
Tax Assessor	36,450.00
Treasurer	20,883.00
Certified Municipal Finance Officer	29,203.00
Emergency Management Coordinator	5,200.00
Deputy Emg. Mgm. coordinator	1,040.00
911 Coordinator	2,488.00
Housing Administrator – COAH	6,656.00

**CONSTRUCTION DEPARTMENT**

Construction Sub Code Official	19,240.00
Building Sub Code Official	19,240.00
Fire Sub Code Official	9,235.00
Building Dept. Secretary/Administrative Assistant	38,272.00
Plumbing Sub Code Official/Inspector	13,572.00
Electrical Sub Code Official/Inspector	13,208.00

**MUNICIPAL COURT**

Judge	22,880.00
Court Administrator	44,304.00
Arrest After Hours	Rate p/hr. -\$3,000 max. 1 yr.
Deputy Court Administrator #1	\$16.00/hr
Deputy Court Administrator #2	\$18.00/hr
Deputy Court Administrator #3	\$20.00/hr
Court Attendant	85.00/Session
Municipal Prosecutor	15,548.00
Municipal Public Defender	5,557.00

**PUBLIC WORKS DEPARTMENT**

Foreman	60,570.00
Public Works Staff No. 1	42,952.00
Public Works Staff No. 2	42,224.00
Public Works Staff No. 3	38,246.00
Public Works Staff No. 4	37,596.00

Part Time/Emergency Employee (By Appointment)	12.50/hr.
Park Work Staff No. 1	12,480.00

**LAND USE DEPARTMENT**

Zoning Officer	11,875.00
Deputy Zoning Officer	1.00
Planning Bd./Bd. of Adjustment Secretary	42,952.00

**MISCELLANEOUS**

Recycling Attendant(s) 1, 2, 3	11.25/hr.
Senior Recycling Attendant	12.50/hr.
Recycling Coordinator	8,632.00
Clean Communities Coordinator	12.50/hr.
Dog & Cat Registrar	4,472.00
Dog Census	1,000.00
Dumpster Attendant	12.25/hr.
Dumpster Attendant Helper	10.25/hr.

**LONGEVITY PAY** – In addition to the salary indicated above, each full-time employee shall receive longevity pay after five (5) years of continuous service, beginning on or before March 15<sup>th</sup>, including any

## MINUTES OF REGULAR MEETING May 2, 2007

officially authorized leave of absence, sick leave or vacation. Longevity pay shall not include additional compensation, such as overtime; and shall be calculated as follows:

Fifth year salary x 1%	employed 5 - 9 years
Tenth year salary x 1%	employed 10 - 14 years
Fifteenth year salary x 1%	employed 15 - 19 years
Twentieth year salary x 1%	employed 20 - 24 years
Twenty-fifth year salary x 1%	employed 25 years and more

**MISCELLANEOUS** – Travel expenses, training and education expenses, overtime, health and disability insurance, retirement and life insurance, paid holidays, sick pay, leaves of absence, paid vacations, equipment allowances, emergency meal allowances and other benefits shall be as set forth in the current Union Township Personnel Manual, or in accordance with applicable law.

Motion was made by Mrs. Dziubek, seconded by Mr. Haynes to adopt the above resolution. Vote – Ayes: Mr. Haynes, Mr. Severino, Mrs. Dziubek and Mr. Mazza. Motion carried.

d. The following resolution was introduced for adoption

**RESOLUTION #2007-77  
TOWNSHIP OF UNION  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY**

**Resolution Opposing A-3857, Which, If Enacted, Would Eliminate RCA's As A Tool To Facilitate Municipal Compliance With Mount Laurel**

**WHEREAS**, in the landmark 1975 decision commonly referred to as Mount Laurel I, the Supreme Court not only required developing municipalities to satisfy their fair shares, but also clearly implied that they could do so at least in part if a municipality could enter a “binding agreement” with another municipality (see Mount Laurel I at 189); and

**WHEREAS**, in Mount Laurel II, another landmark decision issued in 1983, the Supreme Court referenced with approval the principle embodied in Mount Laurel I that a municipality could satisfy a portion of its fair share if it could enter into a binding agreement with another municipality (see Mount Laurel II at 237-238); and

**WHEREAS**, in 1985, in the light of the landmark decisions referenced above, the Legislature enacted the Fair Housing Act, N.J.S.A. 52:27D-301 et seq., in which it specifically authorized a municipality to enter into a “binding agreement” with another municipality to create or rehabilitate deteriorated housing in the so called “receiving community”; and

**WHEREAS**, more specifically, N.J.S.A. 52:27D-312 expressly authorizes a “sending municipality” to satisfy up to 50 percent of its fair share by funding an agreement with a “receiving municipality”, and

**WHEREAS**, N.J.S.A. 52:27D-312 includes a series of safeguards to ensure that regional contribution agreements create a realistic opportunity for the creation of new or rehabilitated affordable housing within the receiving municipalities; and

**WHEREAS**, the creation of the right of a municipality to satisfy a portion of its responsibilities via RCAs fueled a firestorm of litigation with developers and nonprofits vigorously attacking RCAs and with sending and receiving municipalities vigorously defending this affordable housing technique; and

**WHEREAS**, a Mount Laurel trial judge upheld the constitutionality of RCAs in a case entitled Morris County Fair Housing Council v. Boonton Township 209 N.J. Super, 393, 431-32 (Law Div, October

## MINUTES OF REGULAR MEETING May 2, 2007

1985) and the Supreme Court upheld the constitutionality of RCAs in Mount Laurel III, 103 N.J. 1 at 47 n. 13; and

**WHEREAS**, RCAs have proven to be an enormously useful and beneficial compliance technique to both sending and receiving municipalities and have also provided the an enormous benefit to those in need of affordable housing; and

**WHEREAS**, sending municipalities have committed to provide \$210,311,820 to fund the creation of 10,256 new or rehabilitated affordable units just in the RCAs COAH has approved to date (see COAH RCA Analysis at <http://www.state.nj.us/dca/coah/rcas.xls>); and

**WHEREAS**, in addition, many municipalities have included RCAs as an essential component of the affordable housing plans they have adopted, filed and sought approval of in response to their obligations under COAH's Cycle III regulations; and

**WHEREAS**, receiving municipalities have realized an enormous much needed benefit as a result of the many millions of dollars paid or owed pursuant to RCAs COAH has already approved - benefits which are likely to increase dramatically as COAH approved the many RCAs "in the pipeline" in the hundreds of Cycle III plans awaiting Court or COAH approval; and

**WHEREAS**, sending municipalities have also benefited from RCAs in that this technique has facilitated the ability of sending municipalities to meet the enormous burden created by the substantial fair share responsibilities COAH has imposed in each of the three housing cycles; and

**WHEREAS**, many thousands of low and moderate households have also benefited from RCAs as a result of deteriorated housing being rehabilitated or new affordable housing being create - benefits that will grow dramatically as COAH approves new RCAs in cycle III plans and as monies are transferred pursuant thereto; and

**WHEREAS**, notwithstanding the benefit of RCAs, A-3857, which was introduced on December 14<sup>th</sup>, 2006 seeks to eliminate RCAs as a technique by which sending municipalities can satisfy their affordable housing responsibilities and by which receiving communities can realize the benefit of the many RCAs that are essential components of many of the hundreds of municipalities that have adopted affordable housing plans and sought approval of same; and

**WHEREAS**, this bill, if enacted would radically undermine the affordable housing plans of numerous municipalities that have, at great effort and expense, adopted, filed and sought approval of their affordable housing plans from COAH or a court and which include RCAs as an essential component of the municipal strategy for compliance; and

**WHEREAS**, such an undermining of affordable housing plans would benefit developers who would seek to exploit the shortfalls that would result, but would not benefit municipalities or those in need of affordable housing who stand to benefit from approved plans and these agreements; and

**WHEREAS**, eliminating RCAs would also undermine a policy clearly embodied in COAH's Cycle III regulations: namely, that municipalities often find that it is preferable to create affordable housing by taking existing housing and making it affordable instead of having to zone for the flood of new housing that so typified affordable housing plans in the first and second housing cycles;

**WHEREAS**, for the reasons set forth above and other reasons, it is not in the interest of the State, the region or our communities that A-3857 be enacted.

**NOW, THEREFORE, BE IT RESOLVED** as follows:



## MINUTES OF REGULAR MEETING May 2, 2007

1. The Township of Union declares that A-3857 is not in the best interest of our State, our region, our community or lower income persons.
2. The Township of Union vigorously opposes A-3857.
3. The Municipal Clerk is hereby directed to submit copies this Resolution to Governor Jon S. Corzine, Senator Lance, Assemblyman Doherty and Assemblywoman Karrow, the New Jersey State League of Municipalities, Senate President Codey and all municipalities in the County of Hunterdon to inform them of our strong views on this bill and to urge them to oppose the bill.

Motion was made by Mrs. Dziubek, seconded by Mr. Severino to adopt the above resolution. Vote – Ayes: Mr. Haynes, Mr. Severino, Mrs. Dziubek and Mr. Mazza. Motion carried.

- e. The following resolution was introduced for adoption

**RESOLUTION #2007-78  
UNION TOWNSHIP; HUNTERDON COUNTY  
TONNAGE GRANT APPLICATION**

WHEREAS, The Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, The New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, A resolution authorizing this municipality to apply for such tonnage grants for calendar year **2006** will memorialize the commitment of this municipality to recycling and to indicate the assent of the Township Committee of the Township of Union, Hunterdon County to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, Such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union, Hunterdon County, hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates William Garrison to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Motion was made by Mrs. Dziubek, seconded by Mr. Severino to adopt the above resolution. Vote – Ayes: Mr. Haynes, Mr. Severino, Mrs. Dziubek and Mr. Mazza. Motion carried by unanimous favorable roll call vote.

## MINUTES OF REGULAR MEETING May 2, 2007

f. **Discussion** – Replacement of Recording Equipment - Court/Clerk's Office/Planning Bd.

Mayor Mazza stated that municipal court recording equipment has stopped working as of last meeting, old equipment is about thirty years old and there is a desperate need for replacement. Different options were discussed and mutually agreed that township needs to check what's available and obtain quotes for new digital recording systems for all departments using it.

Mr. Severino brought to everyone's attention the fact that the door to the Clerk's Office has been left open in the evenings when other meetings are conducted and strangers have access to all files in that office. After a brief discussion it was agreed that locks to Clerk's office and back room in the clerk's office be changed, numbered and log kept with names of people receiving new keys.

**NEW ORDINANCE** – 1<sup>st</sup> Reading**ORDINANCE #2007-4**

**AN ORDINANCE APPROPRIATING THE SUM OF \$13,500.00 CURRENTLY LOCATED  
WITHIN THE CAPITAL IMPROVEMENT FUND OF THE GENERAL CAPITAL FUND OF THE  
TOWNSHIP OF UNION, HUNTERDON COUNTY, NEW JERSEY, FOR THE PURCHASE OF A  
O-TURN MOWER**

WHEREAS, there is currently within the 2007 Capital Fund of the Township of Union, County of Hunterdon, State of New Jersey, an item entitled Capital Improvement Fund; and

WHEREAS, there is in this fund at least \$13,500.00; and

WHEREAS, the Township Committee of the Township of Union has deemed there is a need to purchase a tractor;

NOW, THEREFORE, BE IT RESOLVED AND ENACTED by the Township Committee of the Township of Union, County of Hunterdon, State of New Jersey, that:

SECTION 1. There is hereby appropriated from the Capital Improvement Fund of the 2007 General Capital Fund for the purchase of a tractor, the sum of \$13,500.00;

SECTION 2. All Ordinances or parts of Ordinances which are inconsistent with the terms of the Ordinance be and the same are hereby repealed to the extent of their inconsistency;

SECTION 3. There is no debt incurred by this ordinance.

SECTION 4. This Ordinance shall take effect after proper passage and publication in accordance with law.

First Reading: May 2, 2007  
Publication/in Full May 10, 2007  
Second Reading: June 6, 2007  
Publication/Title Only: June 14, 2007

Mayor Mazza briefly explained need for the purchase of a new lawn mower for Road Department. He stated that old mower is in constant need of costly repairs and financially it would be better to buy a new one. Mr. Haynes, on the other hand, suggested the lawn mower is still in a working condition and does not need immediate replacement. He said, rather put the money towards the purchase of a new dump truck, which would be used all year round, especially in the winter time for heavy plowing. After constructive discussion

## MINUTES OF REGULAR MEETING May 2, 2007

from all members of the Township Committee it was decided to approve the above ordinance, but to be aware of a bigger need for a dump truck.

Mrs. Dziubek made a motion, seconded by Mr. Severino, to adopt the above ordinance on 1<sup>st</sup> reading, publish same in its entirety in the Hunterdon County Democrat issue of May 10, 2007 and scheduled Public Hearing for the meeting of June 6, 2007. Vote – Ayes: Mr. Haynes, Mr. Severino, Mrs. Dziubek and Mr. Mazza. Motion carried.

**REPORTS**

- b. Engineer's Report – Mr. Reymann mentioned the following: - DOT meeting is scheduled for tomorrow morning, May 3<sup>rd</sup> on Frontage Rd., Union Twp. is on attendee list; - issued road opening permit for 213 Main Street; - this coming Tuesday, May 8<sup>th</sup> at 7:15 PM Council on Highlands is coming to explain how it impact the township; - sent a letter with a bond estimate to Mr. Ali at Grand Colonial, still looking for their site plans; - Chestnut Ridge Development is looking for a bond release, Mr. Reymann will contact Maser Engineering for file on said development.
- c. Attorney's Report – Mr. Jost mentioned the following; - presented the Committee with an ordinance "Streets, Sidewalks and Driveways" and asked the Committee to introduce following ordinance #2007-5 on the 1<sup>st</sup> reading:

**ORDINANCE #2007-5  
TOWNSHIP OF UNION****AN ORDINANCE AMENDING CHAPTER XIII "STREETS, SIDEWALKS AND DRIVEWAYS" OF THE CODE OF THE TOWNSHIP OF UNION, HUNTERDON COUNTY, NEW JERSEY, BY ESTABLISHING NEW ARTICLE – PLACEMENT OF STICKS, SHRUBS, LEAVES, ROCKS, STONES AND OTHER DEBRIS ON PUBLIC STREETS AND SIDEWALKS PROHIBITED**

**WHEREAS**, it is in the public interest to insure that the public roadways, streets, sidewalks, and rights of way are kept clear of sticks, shrubs, leaves, rocks, stones and other such debris; and

**WHEREAS**, the removal of sticks, shrubs, leaves, rocks, stones and such other debris from a resident's property and the placement of same on the public streets and sidewalks impedes municipal and county personnel from properly maintaining said streets and sidewalks, causes traffic problems and otherwise interferes with the public health, safety and welfare.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Union, in the County of Hunterdon, State of New Jersey, that:

**I.** New Article 13-4 of Chapter XIII of the Code of the Township of Union, entitled "Streets, Sidewalks and Driveways" shall be established as follows:

**ARTICLE 13-4****13-4 PLACEMENT OF STICKS, SHRUBS, LEAVES, ROCKS, STONES AND OTHER DEBRIS ON PUBLIC STREETS AND SIDEWALKS PROHIBITED**

**13-4.1 Prohibited Acts.** It shall be unlawful for any person to place, move, put, cause, allow or permit by shovel, brush, rake, plow, or in any manner, sticks, shrubs, leaves, rocks, stones and such other debris into, on or across a public roadway, street, sidewalk or right of way located within the Township of Union, whether paved or unpaved, except within undeveloped rights of way owned by the same person.

**13-4.2 Rebuttable Presumption.** It shall be presumed, unless evidence to the contrary is submitted by the property owner or party accused of the violation, that the property owner, tenant or occupant of said property is responsible for placing sticks, shrubs, leaves, rocks, stones and such other debris on a public roadway, street, sidewalk or right of way if said sticks, shrubs, leaves, rocks, stones and such other debris is found in close proximity of that property's front yard or driveway.

## MINUTES OF REGULAR MEETING May 2, 2007

**13-4.3 Penalties; Enforcement.** Any person, firm, corporation or association violating this Ordinance, upon conviction thereof, shall be subject to the penalties set forth in Article 1-5 of the Code of the Township of Union.

**II. Severability.** If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause of provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective,

**III. Repealer.** All Ordinances or parts of Ordinances inconsistent with or in conflict with the Ordinance are hereby repealed to the extent of such inconsistency.

**IV. Effective Date.** This Ordinance shall take effect after final passage, adoption and publication according to law.

Mrs. Dziubek made a motion, seconded by Mr. Severino, to adopt the above ordinance on 1<sup>st</sup> reading, publish same in its entirety in the Hunterdon County Democrat issue of May 17, 2007 and scheduled Public Hearing for the meeting of June 6, 2007. Vote – Ayes: Mr. Haynes, Mr. Severino, Mrs. Dziubek and Mr. Mazza. Motion carried.

Attorney's Report – continue; - asked Township Committee if they are still interested in taking a donation of the piece of land in the back of the fields from one of the township residents; - sent a copy to Committee Members of the amended professional contract with Mr. Hintz. The amendment pertains to services rendered on Milligan Farm acquisition; after a brief discussion committee agreed that Attorney Jost will ask Mr. Hints to provide an itemizes descriptions of all invoices.

- d. Mayor's Report – Mayor Mazza mentioned the following: - asked about a check list for zoning officer to follow before issuing permits. Mr. Jost stated there is no list, but the meeting held last week with construction and zoning official, twp. Engineer and twp. Attorney should help communication between township departments.

## COMMITTEE REPORT

- a. Mrs. Dziubek; - stated facts on the progress of switching to Patriot Media as an internet provider for the township. Mr. Haynes contacted Joe Piasecki at Municipal Software and was informed that they will need some time to work on smooth conversion of all software used by the township.
- b. Mr. Haynes: - spoke with Joe Kosinski from Ferreiro Engineering concerning progress on meeting COAH obligations by the Township; meeting is scheduled for Monday, May 7<sup>th</sup> with County Engineers to discuss County Road situation, after that issue is dealt with, it is going to County Planners for review and recommendations. Also discussed wetlands on Miligan Farm with Paul Ferriero; engineer needs to talk to the Fire Company about compliance with mandatory requirements. Mr. Haynes also reported that he will be contacting them again next week to provide us with a timeframe for this project; - asked the Mayor who has an access to an electric meter at 26 Baptist Church Rd.; Mayor will find out; - reported on the progress of patching township roads by Road Department.

## CLERK'S REPORT

- c. asked the Township Committee to schedule the date for July's Committee Meeting
- d. asked the permission for a resident to use municipal parking lot; application for use has to be submitted for the Committee approval

## PUBLIC COMMENTS – None

**PAYMENT OF THE BILLS** – Mr. Severino questioned all bills signed by Mr. Bogart, prior engineer for the township; he needs explanation why these bills are signed by Mr. Bogart. Mrs. Dziubek moved that all claims against the Township of Union as appearing in the Claims Register of this date be paid and that all

## MINUTES OF REGULAR MEETING May 2, 2007

checks listed hereinafter be issued in payment thereof, subject to proper signatures on four Maser Consulting vouchers, before checks are issued; seconded by Mr. Severino. Vote – Ayes: Mr. Haynes, Mr. Severino, Mrs. Dziubek and Mr. Mazza. Motion carried.

At about 10:30 PM the following resolution was introduced for adoption:

**RESOLUTION #2007-79  
EXECUTIVE SESSION**

WHEREAS, N.J.S.A. 10:4-12 allows for a public body to go into closed session during a public meeting; and

WHEREAS, the Union Township Committee has deemed it necessary to go into closed session to discuss certain matters which are exempted from the public;

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Union will go into closed session for the following reason(s) as outlined in N.J.S.A. 10:4-12: Personnel Matters, Potential Litigation and Contract Negotiations.

Motion was made by Mr. Severino, seconded by Mrs. Dziubek, to adopt the above resolution. Vote – Ayes; Mr. Haynes, Mr. Severino, Mrs. Dziubek and Mr. Mazza. Motion carried.

Motion was made by Mr. Severino, seconded by Mrs. Dziubek, to return to the regular meeting. Motion carried by unanimous favorable roll call vote.

**ADJOURNMENT** – There being no further business to come before the Township Committee at this time, a motion to adjourn was made by Mr. Severino, seconded by Mrs. Dziubek. Motion carried by unanimous favorable roll call vote.

Meeting adjourned at approximately 11:15 PM

Respectfully submitted,

Ella Malecki Ruta, RMC  
Municipal Clerk